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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT TACOMA**

10 JEFFREY L. HARDIE,

11 Plaintiff,

12 v.

13 DR. SHUE, NISQUALLY CORRECTIONS
14 SUPERINTENDENT, JOHN DOE
CORRECTIONS OFFICER,

15 Defendants.

CASE NO. C15-5088 BHS-KLS

ORDER GRANTING NISQUALLY
INDIAN TRIBE'S MOTION TO
INTERVENE

16 Plaintiff, a prisoner detained in the Pierce County Jail, Tacoma, Washington, and
17 proceeding *pro se*, initiated this cause of action by filing a Civil Rights Complaint Form and
18 a motion to proceed in this action *in forma pauperis*. The Nisqually Indian Tribe (herein
19 "Tribe") filed a timely Motion to Intervene. Being fully advised, the Court **GRANTS** the
20 Tribe's Motion to Intervene as a Defendant.

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22 The Tribe, as the party seeking to intervene, bears the burden of showing that it has
23 met all the requirements for intervention. *United States v. Allisal Water Corp.*, 370 F.3d 915,
24 918 (9th Cir. 2004). In this case, the Tribe seeks Intervention of Right pursuant to Fed. R.
25 Civ. P. 24 (a)(2), which the Court must grant if it finds that the Tribe "has an interest relating
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1 to the property or transaction that is the subject of the action, and is so situated that disposing
2 of the action may as a practical matter impair or impede the movant's ability to protect its
3 interest, unless existing parties adequately represent that interest."

4 The Court finds that the Tribe's Motion to Intervene is timely and that the Tribe, as
5 employer of the named Defendants, has a property interest that would be affected by any
6 monetary award to the Plaintiff. Absent intervention, disposition of this action would as a
7 practical matter impair or impede the Tribe's ability to protect both its property interest, as
8 well as its sovereign immunity from suit. Finally, there is no evidence that the named
9 Defendants have the means or ability to adequately represent the Tribe's interests.
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11 Based on the foregoing, the Court **GRANTS** the Tribe's Motion to Intervene as a
12 Defendant in this matter.

13 **DATED** this 1st day of July, 2015.

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17 Karen L. Strombom
18 United States Magistrate Judge
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